

PATENT**01AB121/ALBRP112USB**CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being submitted *via* the USPTO EFS Filing System on the date shown below to Mail Stop **Appeal Brief-Patents**, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: January 23, 2007/Casey L. Martin/

Casey L. Martin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Appellant(s): Frederick M. Discenzo, *et al.*

Examiner: Aaron C. Perez Daple

Serial No: 09/965,545

Art Unit: 2154

Filing Date: September 27, 2001

Title: MOTORIZED SYSTEM INTEGRATED CONTROL AND
DIAGNOSTICS USING VIBRATION, PRESSURE, TEMPERATURE,
SPEED, AND/OR CURRENT ANALYSIS

**Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

LETTER RE SECOND EXAMINER'S ANSWER OF NOVEMBER 28, 2006

Dear Sir:

Appellants' representative submits this letter to clarify an issue in connection with an appeal of the above-identified patent application. In the event any additional fees may be due, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [ALBRP112USB].

Examiner's Answers Dated November 1 and November 28, 2006

An Examiner's Answer dated November 1, 2006 had been received in response to Appellant's Appeal Brief. A Reply Brief responsive to the Examiner's Answer was transmitted to the PTO on December 4, 2006, and acknowledgement had been received. A second Examiner's Answer dated November 28, 2006 was received on December 4, 2006, after sending the Reply Brief. The second Examiner's Answer is identical to the first with the exception of sections (9) and (11). Section (9) states that Appellant had requested an Oral Hearing before the Board of Patent Appeals and Interferences. However, no such request had been made by Appellant at the present time. Section (11) states that no decision by a court or the Board is identified by the Examiner.

Appellant acknowledges these new items in the Examiner's Answer of November 28, 2006. This second Examiner's Answer does not indicate that it should supersede the first Examiner's Answer, nor is it indicated that this document is responsive to the Reply Brief. It is therefore respectfully submitted that the Reply Brief submitted December 4, 2006 is complete and fully responsive to both Examiner's Answers, and therefore a second Reply Brief is not necessary. Appellant respectfully requests that the Appeal proceed as indicated.

CONCLUSION

For at least the above reasons, it is maintained that the claims currently under consideration are believed to be patentable over the cited references. Accordingly, it is respectfully requested that the rejections of claims 1-8, 12-22, and 24-42 be reversed.

If any additional fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Respectfully submitted,
AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/
Himanshu S. Amin
Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24th Floor, National City Center
1900 East 9th Street
Telephone: (216) 696-8730
Facsimile: (216) 696-8731